

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6343

BILL NUMBER: SB 96

NOTE PREPARED: Dec 9, 2011

BILL AMENDED:

SUBJECT: Theft.

FIRST AUTHOR: Sen. Young R Michael

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill makes theft:

1. a Class A misdemeanor instead of a Class D felony if the fair market value of the property that is the subject of the theft is less than \$750;
2. a Class D felony if the fair market value of the property is at least \$750 but less than \$100,000; and
3. a Class C felony if the fair market value of the property is at least \$100,000 or if the property that is the subject of the theft is a certain kind of valuable metal.

The bill makes it burglary, a Class C felony, for a person to break and enter a building or structure of another person with intent to commit theft as a Class A misdemeanor in the building or structure.

Effective Date: July 1, 2012.

Explanation of State Expenditures: This bill potentially reduces the costs to the state if an offender is convicted of a misdemeanor rather than a felony. This is because offenders convicted of a misdemeanor who are given a prison term are generally incarcerated in county jails.

A Class D felony is punishable by a prison term ranging between 6 months and 3 years or reduction to Class A misdemeanor. The average expenditure to house an adult offender was \$18,836 in FY 2011. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,318 annually, or \$9.09 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$75,591 in FY 2011. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Background: Current law provides that breaking and entering a building or structure of another person with intent to commit theft a Class C felony. The bill, if the fair market value of the property that is the subject of the theft is less than \$750, lowers the penalty to a Class A misdemeanor instead of a Class D felony and also makes breaking and entering a building or structure of another person with intent to commit theft as a Class A misdemeanor in the building or structure a Class C felony, resulting in no additional fiscal impact from current law.

Explanation of State Revenues: If there are cases that are reduced to a Class A misdemeanor from a Class D felony, revenue to both the Common School Fund and the state General Fund would decrease. The maximum fine for a Class D felony is \$10,000 and \$5,000 for a Class A misdemeanor. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$5), judicial salaries fee (\$19), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$2) are deposited into the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues:

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, DOC.

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